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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

NADEEM FAROOQ,) No. C 07-0090-MJJ

Plaintiff,)

v.)

U.S. Citizenship and Immigration Services;)

EDUARDO AGUIRRE, Director, U.S.)

Citizenship and Immigration Services;)

GERARD HEINAUER, Director, USCIS)

Nebraska Service Center; EVELYN)

UPCHURCH, Director, USCIS Texas Service)

Center; MICHAEL CHERTOFF, Secretary,)

Department of Homeland Security;)

ROBERT S. MUELLER, Director, Federal)

Bureau of Investigations; ALBERTO)

GONZALES, U.S. Attorney General,)

Defendants.)

**STIPULATION TO VACATE HEARING
 ON CROSS-MOTIONS FOR SUMMARY
 JUDGMENT; AND [PROPOSED]
 ORDER**

**Date: September 18, 2007
 Time: 9:30 a.m.**

The plaintiff, by and through his attorney of record, and defendants, by and through their attorneys of record, hereby stipulate, subject to approval of the Court, to **vacate the hearing** on the parties' cross-motions for summary judgment, which is currently scheduled for **September 18, 2007**, in light of the following:

(1) The plaintiff filed an I-485 application for adjustment of status with the United States Citizenship and Immigration Services (USCIS) on August 4, 2003. The USCIS has not yet

1 adjudicated the I-485 application

2 (2) The plaintiff filed an action in this Court on January 5, 2007, seeking an order directing
3 USCIS to adjudicate the I-485 application.

4 (3) The parties have filed cross-motions for summary judgment.

5 (4) The hearing on the parties' cross-motions for summary judgment is scheduled for
6 September 18, 2007, at 9:30 a.m.

7 (5) The FBI has recently completed the plaintiff's name check, which the USCIS learned of on
8 or about September 13, 2007.

9 (6) In light of the fact that the FBI has completed the name check, the parties believe there is a
10 reasonable probability that this case will be resolved by USCIS within the next thirty days.

11 Accordingly, in light of the fact that this case may soon be moot, the parties respectfully ask
12 this Court to **vacate the hearing** on the parties' cross-motions for summary judgment, which is
13 currently **scheduled for September 18, 2007, at 9:30 a.m.**

14 Date: September 17, 2007

Respectfully submitted,

15 SCOTT N. SCHOOLS
16 United States Attorney

17 /s/
EDWARD A. OLSEN
18 Assistant United States Attorney
Attorneys for Defendants

19 Date: September 17, 2007

20 /s/
ROBERT B. JOBE
21 Law Office of Robert B. Jobe
Attorneys for Plaintiff

22 **ORDER**

23 Pursuant to stipulation, IT IS SO ORDERED that the hearing on the parties' cross-motions
24 for summary judgment, currently scheduled for September 18, 2007, is vacated

25 Dated: 9/17/07

26 

27 MARTIN J. JENKINS
28 United States District Judge